

Not for Publication

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CRISTIAN RIVERS, *individually and on
behalf of others similarly situated,*

Plaintiff,

v.

CEVICHE TIME, LLC d/b/a CEVICHE TIME
BY MAICELO and LUIS BARRIOS,

Defendants.

Civil Action No.: 23-21277 (ES) (JSA)

ORDER

SALAS, DISTRICT JUDGE

Before the Court is Plaintiff Cristian Rivers's ("Plaintiff") unopposed motion for default judgment (D.E. No. 11) against defendants Ceviche Time, LLC, doing business as Ceviche Time by Maicelo, ("Ceviche"), and Luis Barrios ("Barrios") (together, "Defendants") pursuant to Federal Rule of Civil Procedure 55(b)(2). Having considered Plaintiff's submission, the Court decides this matter without oral argument. *See* Fed. R. Civ. P. 78(b); *see also* L. Civ. R. 78.1(b). For the reasons set forth in the Court's accompanying Opinion,

IT IS on this 3rd day of December 2024,

ORDERED that Plaintiff's motion for default judgment is **DENIED** in-part *without prejudice* as to defendant Ceviche; and it is further

ORDERED that Plaintiff's motion for default judgment is **RESERVED** in-part as to defendant Barrios; and it is further

ORDERED that within thirty (30) days of the date of this Order, Plaintiff shall either (i) file a renewed motion for default judgment detailing how service on the unnamed bartender at

defendant Ceviche's principle place of business satisfies his service obligations pursuant to the applicable federal and/or New Jersey state rules or (ii) re-execute service of process on defendant Ceviche by alternative means permitted under the applicable federal and/or New Jersey state rules; and it is further

ORDERED that in the alternative, if Plaintiff wishes to forego seeking default judgment as to defendant Ceviche, he may file a renewed motion for default judgment as to defendant Barrios only; and it is further

ORDERED that if Plaintiff chooses to re-serve defendant Ceviche, Plaintiff shall also move to vacate the Clerk's Entry of Default against defendant Ceviche; and it is further

ORDERED that any renewed motion for default judgment shall be accompanied by a proposed form order with a calculation of the total damages sought in compliance with Local Civil Rule 7.1(e); and it is further

ORDERED that Plaintiff's motion for default judgment (D.E. No. 11) is administratively **TERMINATED** for docket management purposes only.

s/Esther Salas
Esther Salas, U.S.D.J.